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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,798	08/13/2001	Min-Ho Song	678-677 (P9669)	8091

7590

04/04/2005

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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,798

Applicant(s)

MIN-HO SONG

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This Office Action is in response to the AMENDMENT entered on Feb. 24, 2005 for the patent application number 09/928,798.

***Priority***

2. The present patent application claims priority from foreign (Korean) application serial No. 2001-1611, filed 11 January 2001. The priority is approved and entered into the file.

***Status of the claims***

3. The pending claims 1-3 and 5 are examined herein as follows:

***Claim Objections***

4. Applicant is advised that should claim 2 be found allowable, claim 5 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Sim Seng-Wook et al (European Patent Application Publication No. (EP 1039 768 A2)).

Mobile messaging encompasses a number of technologies and services enabling the exchange of messages between mobile users. The present invention is an improvement over the existing mobile messaging, that is, Short Messaging Service (SMS). The service allows the transfer of short text messages between mobile users. Similarly, Sim et al (EP 1 039 768 A2) is also directed to the same invention. Consequently Sim et al also anticipates the claims of the current invention.

With regard to claim 1:

As illustrated in Figs. 5, 6A and 6B and as described in paragraphs [0051]-[0058], Sim discloses a method similar with the present invention, that is, Sim discloses data transmitting method (Fig. 2) for a digital mobile phone using a short message service (SMS). The method of Sim also discloses data storage section for storing the transmitted and received short message service blocks (Fig. 2, #28, [0025], [0032]).

The method also discloses selecting and reading out the graphic data out of a plurality of stored graphic data for transmission (Sim, paragraphs 52 and 53).

The method also discloses inputting (or accepting) originating and terminating (destination) phone numbers in which information is exchanged (Sim, paragraph 52).

The method further discloses transmitting the SMS message having graphic data and header information (or user data) for indicating (or visually recognize) to the receiver phone the type of data received (Sim, paragraph 54).

With regard to claims 2 and 5:

Sim further discloses transmitting the graphic data in a plurality of repeated (successive) SMS message block (Fig. 4) if the data amount of the graphic data is judged to exceed the final bit allowed for the SMS block (Sim, Figs. 6A and 6B, paragraphs 25, 39, and 57).

With regard to claim 3:

As illustrated in Figs. 7, 8A and 8B and as described in paragraphs 12, 59 through 64, Sim discloses a receiving method similar with the present invention, that is, Sim discloses receiving the transmitted SMS message having a graphic data and the header information in the receiver phone having memory for storing graphic data (Sim, paragraph 59-62).

Sim also discloses storing (e.g., memory RAM, paragraph 32, Fig.2) the graphic data in the memory if the header information indicates the graphic message (i.e., by analyzing graphic data transmission headers in the received SMS blocks (e.g., paragraphs 61-62).

Sim also discloses managing graphic data using a user interface device (Fig. 2, #21). Using the user interface the mobile user can visually identify, and upon user request any one of the image data can be deleted or stored (paragraphs 33 and 45).

### ***Response to Arguments***

6. Applicant's arguments filed Feb 24, 2005 have been fully considered but they are not persuasive. In the Remarks, the Applicant argues the limitation; "selecting and confirming an image out of a list of one or more image files stored on the sending mobile phone" is not taught or described in Sim.

In contrast to the Applicant's argument, Sim teaches and describes a method of transmitting and receiving a large capacity of data using a short message service (SMS). The method also includes in part managing graphic data using a user interface device (Fig. 2, #21). For example, using the user interface 21 of the mobile device, user can perform selecting and/or approving the selection of one of the displayed graphic/image data file out of a plurality of image data files (e.g., see the graphic selection in Fig. 9A, also paragraphs 51-53).

Having fully addressed the Applicant's argument, the rejection still stands.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Examiner Tadesse Hailu  
Art Unit 2173  
3/31/05

